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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

| | | |
|------------------------------|---|--------------------------------|
| 10 UNITED STATES OF AMERICA, |) | No. CR-10-00292-CW |
| |) | |
| 11 Plaintiff, |) | |
| |) | STIPULATED REQUEST TO CONTINUE |
| 12 v. |) | HEARING DATE TO FEBRUARY 23, |
| |) | 2011 AND TO EXCLUDE TIME UNDER |
| 13 |) | THE SPEEDY TRIAL ACT AND ORDER |
| 14 RAMON POWELL, |) | |
| |) | |
| 15 Defendant. |) | Hearing Date: January 26, 2011 |
| |) | Time: 9:30 a.m. |
| |) | |

16
17 The above-captioned matter is set on January 26, 2011 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to February 23, 2011 at
19 2:30 p.m. before the Honorable Claudia Wilken for a change of plea hearing, and that the Court
20 exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between
21 January 26, 2011 and February 23, 2011.

22 On April 15, 2010, the Grand Jury charged Mr. Powell with possession with the intent to
23 distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1). If convicted, Mr. Powell
24 faces a statutory maximum of 40 years and a mandatory minimum sentence of five years.

25 The current status of the case is that the parties are negotiating this matter and the parties
26 are confident there will be a negotiated disposition of the case. In the meantime, the government

1 has produced discovery to the defense and defense counsel needs additional time to review and
2 process the discovery provided. For example, the government has made available several
3 videotapes that the defense believes are related to this case and that the defense needs additional
4 time to review. The defense also requires additional time to complete its investigation of the
5 circumstances of the offense and to assess and confirm Mr. Powell's Guidelines range.

6 The requested continuance will allow the defense to complete its review of the discovery,
7 to investigate the underlying facts of the case, and to research and to confirm Mr. Powell's
8 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
9 would unreasonably deny counsel for defendant the reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence.

11 The parties further stipulate and agree that the ends of justice served by this continuance
12 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
13 parties agree that the period of time from January 26, 2011 to February 23, 2011, should be
14 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
15 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
16 diligence.

17
18 DATED: January 24, 2011

19 /S/
WADE RHYNE
Assistant United States Attorney

20
21 DATED: January 24, 2011

22 /S/
ANGELA M. HANSEN
Assistant Federal Public Defender

23 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
24 within this e-filed document. _____
25 /S/ ANGELA M. HANSEN

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery including videotapes that the defense believes are related to this case;

2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the parties have continued the case for a change of plea hearing;

5. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of January 26, 2011, scheduled at 10:00 a.m., is vacated and reset for February 23, 2011, at 2:30 p.m., before the Honorable Claudia Wilken for change of plea hearing. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from January 26, 2011 until February 23, 2011.

January 25, 2011



DONNA M. RYU
United States Magistrate Judge